

Fred Norton (CA SBN 224725)
fnorton@nortonlaw.com
Nathan Walker (CA SBN 206128)
nwalker@nortonlaw.com
Bree Hann (CA SBN 215695)
bhann@nortonlaw.com
Gil Walton (CA SBN 324133)
gwalton@nortonlaw.com
THE NORTON LAW FIRM PC
299 Third Street, Suite 200
Oakland, CA 94607
Telephone: (510) 906-4900

Attorneys for Defendant
PATREON, INC.

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BRAYDEN STARK, JUDD OOSTYEN,
KEVIN BLACK, and MARYANN OWENS,
individually and on behalf of all others similarly
situated,

Plaintiffs,

V.

PATREON, INC.

Defendant.

Case No. 3:22-cv-03131-JCS

**DECLARATION OF NATHAN
WALKER IN SUPPORT OF
STIPULATION TO (1) EXTEND THE
TIME FOR RESPONSE TO THE FIRST
AMENDED COMPLAINT, (2) EXTEND
THE BRIEFING SCHEDULE ON ANY
MOTION TO DISMISS THE FIRST
AMENDED COMPLAINT, AND (3)
ENLARGE TIME TO INTERVENE**

1 I, Nathan L. Walker, hereby declare:

2 1. I am a partner at The Norton Law Firm PC, counsel for Defendant Patreon, Inc.

3 (“Defendant” or “Patreon”) in this case. I have personal knowledge of the facts set forth herein, and, if
4 called upon to testify, could and would testify competently thereto.

5 2. This declaration is made in support of the concurrently filed Stipulation to (1) Extend the
6 Time for Response to the First Amended Complaint, (2) Extend the Briefing Schedule on Any Motion to
7 Dismiss the First Amended Complaint, and (3) Enlarged Time to Intervene.

8 3. On October 27, 2022, Plaintiffs Brayden Stark, Judd Oostyen, Kevin Black, and Maryann
9 Owens (“Plaintiffs”) filed their First Amended Complaint.

10 4. Patreon’s deadline to respond to the First Amended Complaint is currently November 10,
11 2022, absent an extension of time.

12 5. The Parties agree that additional time is appropriate for Patreon to respond to the First
13 Amended Complaint, and for the briefing and hearing on any motion by Patreon to dismiss the First
14 Amended Complaint.

15 6. The Parties jointly stipulate and respectfully ask the Court to enter an order to:

16 (a) Extend the time for Patreon to respond to the First Amended Complaint (ECF No.
17 41), by two weeks, to November 23, 2022; and

18 (b) Extend the briefing schedule on any motion filed by Patreon to dismiss the First
19 Amended Complaint, as follows: Plaintiffs’ response deadline shall be continued
20 to December 21, 2022; Patreon’s reply shall be continued to January 13, 2023;
21 and the hearing on the Motion shall be continued to January 27, 2023, or as soon
22 thereafter as is convenient for the Court.

23 7. In addition, the Parties and the United States jointly stipulate and respectfully ask the
24 Court to enlarge – by three days – the time for the United States intervene in this action for the limited
25 purpose of defending the constitutionality of the Video Privacy Protection Act (“VPPA”). Under the
26 stipulated Order at ECF 43, the United States has until seven days after the filing of any motion to
27 dismiss that raises a constitutional challenge to the VPPA to intervene in this action for the limited
28 purpose of defending the constitutionality of the VPPA. With the requested extension, the United States

1 shall have until *ten days* after the filing of any such motion to dismiss to intervene in this action for the
2 limited purpose of defending the constitutionality of the VPPA. If Defendant files such a motion, the
3 deadline for the United States to file any notice of intervention and any accompanying memorandum in
4 defense of the statute shall be ten days after the motion is filed.

5 8. The Parties and the United States agree that the extensions of time set forth above are
6 appropriate.

7 9. The extensions of time set forth above will affect the dates of the events set forth above,
8 but they will not alter the date of any other event or deadline already fixed by Court order.

9 10. The following scheduling modifications have occurred in this case:

- Pursuant to stipulation, the Court extended Patreon’s time to respond to the complaint, from June 21, 2022, to August 5, 2022 (*see* ECF No. 13).
 - Pursuant to stipulation, the Court extended the briefing schedule for Patreon’s motion to dismiss the original Complaint (*see* ECF No. 26).
 - Pursuant to stipulation, the Court twice extended the time for the United States to decide whether to intervene in this case for the purpose of defending the constitutionality of the VPPA (*see* ECF No. 34 and 43). Under the stipulated Order at ECF 43, if Patreon files a motion to dismiss the First Amended Complaint that challenges the constitutionality of the VPPA, the deadline for the United States file any notice of intervention shall be seven days after the motion is filed (*see* ECF 43).

I declare under the laws of the United States that the statements in this declaration are true and correct to the best of my knowledge, and that this declaration was executed on November 7, 2022 in Palo Alto, California.

Dated: November 7, 2022

By: /s/ Nathan Walker
Nathan Walker